

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MEAGHAN FRANZENBURG
Claimant

**IOWA WORKFORCE
DEVELOPMENT CENTER**
Employer

APPEAL 21A-UI-19271-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/31/21
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.23(10) – Able & Available – Availability Disqualifications

STATEMENT OF THE CASE:

On August 31, 2021, the claimant, Meaghan Franzenburg, filed an appeal from the August 30, 2021, (reference 01) unemployment insurance decision that denied benefits based on an Iowa Workforce Representative's determination that the claimant was not able to or available for work.. The parties were properly notified about the hearing. A telephone hearing was held on October 21, 2021. Claimant participated and testified. Official Notice was taken of the administrative record.

ISSUES:

Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer, Iowa Homecare in 2017. Claimant works for employer as a full-time in home worker. The claimant contracted Covid -19 and was on a leave of absence from work from August 6, 2021, until September 16, 2021. Claimant remains employed by Iowa Homecare LLC.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work effective August 1, 2021 thru September 12, 2021.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(10) provides:

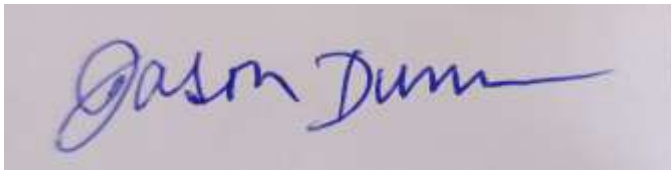
Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

Here, claimant was on a leave of absence due to contracting Covid - 19. Claimant has not established she is able to and available for work, even under the United States Department of Labor's guidance to flexibly interpret this requirement. See Unemployment Insurance Program Letter No. 10-20. Therefore, claimant is not eligible for regular, state-funded unemployment insurance benefits from the effective date of the claim.

DECISION:

The August 30, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant is not available for work effective August 2, 2021, and regular, state-funded unemployment insurance benefits are denied.



Jason Dunn
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Fax (515) 478-3528

November 05, 2021
Decision Dated and Mailed

jd/ol